

REMARKS

Status of Claims:

Claims 5, 11, 13, 25, and 28 are cancelled without prejudice or disclaimer. New claims 38-46 are added. Thus, claims 1-4, 6-10, 12, 14-24, 26-27, and 29-46 are present for examination.

Interview with Examiner:

Applicant expresses appreciation to the Examiner for the courtesy of the telephonic interview on February 23, 2006. The interview was between Examiner St Cyr and attorney for applicant Justin Sobaje.

During the interview, the Examiner was asked to withdraw the finality of the rejection, because no claim amendments were made by applicant in the previous response. The Examiner stated that the swearing behind of a reference in the previous response by applicant provided a basis for making the current Office Action final. Mr. Sobaje said that he would check the rules to determine whether or not an Office Action can be made final due to the swearing behind of a reference in a previous response.

During the interview, claims were discussed, including claims 32 and 24. Also, the cited Dozier et al. reference (U.S. Patent No. 5,751,346) (hereinafter Dozier) was discussed. In particular, Mr. Sobaje pointed out distinctions between embodiments of claims 32 and the Dozier reference in that embodiments of claim 32 allow for capturing a video image during a time period and for determining if a transaction occurred during the time period. FIG. 6 of the present application was discussed, as was FIG. 4 of the Dozier reference. The Examiner indicated that the "throwing out" of data when there is no transaction, as illustrated by the transition from S63 to S68 in FIG. 6 of the present application, is not disclosed in the Dozier reference.

With regard to claim 24, Mr. Sobaje pointed out distinctions between embodiments of claim 24 and the Dozier reference in that embodiments of claim 24 allow for capturing a first and

a second image that are related to a first transaction. Mr. Sobaje discussed with the Examiner how Dozier only mentions storing one image for a transaction and does not mention storing two images for a transaction. (e.g. Dozier; column 2, lines 25-27; column 6, lines 42-67). Mr. Sobaje also pointed out that an image in Dozier is only a frame that is captured by a video board. (e.g. Dozier; column 4, lines 43-48).

The Examiner stated that he would need to further review the Dozier reference. Mr. Sobaje stated that a response to the Office Action would be provided. No exhibit was shown, and no demonstrations were conducted during the interview.

Request to Withdraw Finality of Office Action as being Premature:

Applicant requests that the Examiner reconsider the finality of the rejection in the current Office Action, and applicant requests that the Examiner withdraw the finality of the rejection as being premature. (MPEP § 706.07(d)).

In making the current Office Action final, the Examiner cited MPEP § 706.07(a), and stated that, "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." (Office Action; page 3). However, in the response filed July 20, 2005, to the previous Non-Final Office Action, applicant did not make any amendments to the specification or claims.

In the interview with the Examiner on February 23, 2006, the Examiner stated that applicant's submission of a declaration under 37 CFR 1.131 to swear behind a reference in the previous response provided a basis for making the current Office Action final. However, MPEP § 706.07(a) provides that an Office Action should not be made final when the Examiner introduces a new ground of rejection that is neither: (i) necessitated by applicant's amendment of the claims; nor (ii) based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the current Office Action, the Examiner introduced a new ground of rejection. (Office Action; page 3). Moreover, the new ground of rejection was not necessitated by an amendment to the claims and was not based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Therefore, applicant requests that the Examiner withdraw the finality of the rejection as being premature. (MPEP § 706.07(d)).

Claim Rejection:

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Dozier et al. (U.S. Patent No. 5,751,346) (hereinafter Dozier).

Claims 5, 11, 13, 25, and 28 have been cancelled without prejudice or disclaimer. With respect to claims 1-4, 6-10, 12, 14-24, 26-27, and 29-37, as amended, the rejection is respectfully traversed.

Independent claim 1, as amended, recites a system for collecting and organizing data comprising:

“a video camera for capturing video images of transactions;

an input device for collecting transaction data associated with the transactions; and

a database management system for organizing the video images and the transaction data into a digital database;

wherein the video images are stored in the digital database as digital video images;

wherein the digital video images are associated in the digital database with the transaction data such that the digital video images of a transaction can be retrieved based on the transaction data of the transaction;

wherein the video camera is configured to capture a first video image during a first time period;

wherein the database management system is configured to determine, **after the video camera has captured the first video image**, whether or not the input device collected first transaction data of a first transaction during the first time period; and

wherein the database management system is configured to store, if it is determined that the input device collected the first transaction data during the first time period, the first video image in the digital database as a first digital video image associated with the first transaction data.” (Emphasis Added).

A system for collecting and organizing data including the above-quoted features has at least the advantages that: (i) a video camera allows for capturing video images of transactions; (ii) an input device allows for collecting transaction data associated with the transactions; (iii) a database management system allows for organizing the video images and the transaction data into a digital database; (iv) the video camera is configured to capture a first video image during a first time period; (v) the database management system is configured to determine, **after the video camera has captured the first video image**, whether or not the input device collected first transaction data of a first transaction during the first time period; and (vi) the database management system is configured to store, if it is determined that the input device collected the first transaction data during the first time period, the first video image in the digital database as a first digital video image associated with the first transaction data. (Specification; page 18, line 6 to page 20, line 6; FIG. 6, references S61, S63, and S68).

Dozier neither discloses nor suggests a system including the above-quoted features with a database management system that is: (a) configured to determine, **after a video camera has captured a first video image**, whether or not an input device collected first transaction data of a first transaction during the first time period; and (b) configured to store, if it is determined that the input device collected the first transaction data during the first time period, the first video image in a digital database as a first digital video image associated with the first transaction data.

Instead, in the system of Dozier, a determination as to whether or not a new receipt printer report has been received is made **before** a command is sent to select a camera for capturing an image. (Dozier; column 6, lines 7-67; column 8, line 54 to column 9, line 32; FIGs.

1, 2, and 4, references 166, 172, and 174). Then, once an image has been captured in the system of Dozier, the image is compressed and stored without any further determination. (Dozier; FIG. 4, references 174, 176, and 178).

In particular, in the system of Dozier, a determination is made in question block 166 as to whether or not a new receipt printer report has been received. (Dozier; column 8, lines 54-62; FIG. 4). If a new printer report has been received in the system of Dozier, the receipt printer data is stored in operational block 170, and then the computer 16 sends a command to connect a teller camera that corresponds to the receipt printer report to video board 104 in operational block 172. (Dozier; column 9, lines 1-16; FIG. 4). The system of Dozier captures an image in operational block 174, compresses the image in operational block 176, and stores the image in operational block 178. (Dozier; column 9, lines 16-32; FIG. 4). Thus, once an image is captured in operational block 174 of Dozier, the image is compressed and stored without making any further determination as to whether or not a new receipt printer report has been received. (Dozier; FIG. 4, references 174, 176, and 178).

Therefore, independent claim 1, as amended, is neither disclosed nor suggested by the Dozier reference and, hence, is believed to be allowable. Because they depend from independent claim 1, dependent claims 2-4, 6-10, and 29-31 are believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable.

In addition, dependent claim 8, as amended, recites the further distinction, “wherein the transactions are vehicle toll collection transactions.” (Emphasis Added). Dozier neither discloses nor suggests that transactions are vehicle toll collection transactions. Instead, the system of Dozier is merely applicable for banking, law enforcement, customs, airline ticket, and baggage tracking. (Dozier; column 3, lines 6-14). Vehicle toll collection transactions differ from the bank teller transactions described in Dozier in that a vehicle may be moving quickly when a toll is collected whereas the humans at the bank tellers might not move as quickly away from the tellers.

As a consequence, the system of Dozier is only designed to first determine whether or not a new receipt has been received, and then to capture an image when a new receipt has been received. Such a system of Dozier may possibly allow for capturing an image of a human at a corresponding bank teller if the human moves slowly enough away from the bank teller after the receipt is printed. (Dozier; FIGs. 4 and 7). In contrast, a system in accordance with claim 8 captures an image, and then later makes a determination as to whether or not a vehicle toll collection transaction occurred when the image was captured, so that it may be possible to capture an image while a toll is being collected for a vehicle and before the vehicle drives away once the toll is collected.

Therefore, dependent claim 8, as amended, is believed to be allowable for at least those additional reasons.

Independent claim 12, as amended, recites a method of creating a transaction based database comprising:

“capturing an image of the transaction as the transaction occurs;

collecting data associated with the transaction; and

storing the image and the data into a digital database, the image stored into the digital database as a digital image associated with the data;

wherein the image of the transaction is captured either before the data associated with the transaction are collected or at a same time that the data associated with the transaction are collected; and

wherein a query into the digital database using a portion of the data acts as a key for retrieving the digital image associated with the data.” (Emphasis Added).

A method of creating a transaction based database including the above-quoted features has at least the advantages that: (i) an image of the transaction is captured as the transaction occurs; (ii) data associated with the transaction are collected; (iii) the image and the data are stored into a digital database, where the image is stored into the digital database as a digital

image associated with the data; (iv) the image of the transaction is captured either before the data associated with the transaction are collected or at a same time that the data associated with the transaction are collected; and (v) a query into the digital database using a portion of the data acts as a key for retrieving the digital image associated with the data. (Specification; page 18, line 6 to page 20, line 6; FIG. 6, references S61, S63, and S68).

Dozier neither discloses nor suggests a method including the above-quoted features in which an image of a transaction is captured either before data associated with the transaction are collected or at a same time that the data associated with the transaction are collected. Instead, in the method of Dozier, an image included as a reference for a teller station transaction is captured after data associated with the transaction are collected. (Dozier; column 5, line 57 to column 6, line 67; column 8, line 54 to column 9, line 32; FIG. 4, references 166, 170, 172; and 174).

In particular, in the method of Dozier, when a transaction occurs at a teller station, an electronic printer record is produced. (Dozier; column 6, lines 7-21). Upon receipt of the printer record by the computer 16 in the method of Dozier, a data file is created which includes data associated with the transaction. (Dozier; column 6, lines 22-30). Then, in the method of Dozier, upon receipt of the information in the printer record, a command is sent from the computer 16 to cause an image to be captured. (Dozier; column 6, lines 30-50). As is illustrated in FIG. 4 of Dozier, in the method of Dozier a receipt for a transaction that includes data associated with the transaction is received (steps 166 and 170), and then an image included as a reference for the transaction is captured (step 174) after the receipt for the transaction has been received. (Dozier; column 8, line 54 to column 9, line 32; FIG. 4, references 166, 170, 172, and 174).

Therefore, independent claim 12, as amended, is neither disclosed nor suggested by the Dozier reference and, hence, is believed to be allowable. Because they depend from independent claim 12, dependent claims 14-20 are believed to be allowable for at least the same reasons that independent claim 12 is believed to be allowable.

Independent claim 21, as amended, recites a system for collecting data about a transaction comprising:

“a camera for capturing images of documents related to the transaction;

a trigger system for triggering the camera to capture the images, said trigger system comprising:

at least one light emitter that emits at least one beam of light; and

at least one light detector for detecting the at least one beam of light, said trigger system configured to trigger the camera to capture the images based on an output of the at least one light detector;

a computer system for associating additional data with each image; and

a digital storage system for storing the images as digital images and for storing the additional data,

wherein the digital storage system accepts and processes queries and presents a plurality of views of the digital images and additional data in response to the queries.” (Emphasis Added).

A system for collecting data about a transaction including the above-quoted features has at least the advantages that: (i) a camera allows for capturing images of documents related to the transaction; (ii) a trigger system allows for triggering the camera to capture the images, where the trigger system comprises at least one light emitter that emits at least one beam of light, and at least one light detector for detecting the at least one beam of light, and where the trigger system is configured to trigger the camera to capture the images based on an output of the at least one light detector; (iii) a computer system allows for associating additional data with each image; (iv) a digital storage system allows for storing the images as digital images and for storing the additional data; and (v) the digital storage system accepts and processes queries and presents a plurality of views of the digital images and additional data in response to the queries. (Specification; page 28, line 16 to page 30, line 6; FIG. 10).

Dozier neither discloses nor suggests a system including the above-quoted features in which a trigger system allows for triggering a camera to capture images, where the trigger system

comprises: (a) at least one light emitter that emits at least one beam of light, and (b) at least one light detector for detecting the at least one beam of light, and where the trigger system is configured to trigger the camera to capture the images based on an output of the at least one light detector. Instead, the system of Dozier merely sends a command to capture an image after a receipt is printed by a teller station. (Dozier; column 5, line 57 to column 6, line 67; column 8, line 54 to column 9, line 32; FIGs. 1, 2, and 4). Indeed, Dozier does not even mention a device for emitting a beam of light.

Therefore, independent claim 21, as amended, is neither disclosed nor suggested by the Dozier reference and, hence, is believed to be allowable. Because they depend from independent claim 21, dependent claims 22 and 23 are believed to be allowable for at least the same reasons that independent claim 21 is believed to be allowable.

Independent claim 24, as amended, recites a database system comprising:

“a camera for capturing a first and a second image, the first and the second image related to a first transaction;

an input device for collecting first transaction data associated with the first transaction;

a generator for generating an identifier; and

a storage medium for storing the first transaction data and the first image and the second image wherein the first transaction data and the first image and the second image are associated via the identifier.” (Emphasis Added).

A database system including the above-quoted features has at least the advantages that: (i) a camera allows for capturing a first and a second image, where the first and the second image are related to a first transaction; (ii) an input device allows for collecting first transaction data associated with the first transaction; (iii) a generator allows for generating an identifier; and (iv) a storage medium allows for storing the first transaction data and the first image and the second image wherein the first transaction data and the first image and the second image are associated via the identifier. (Specification; page 15, line 17 to page 16, line 6).

Dozier neither discloses nor suggests a database system including the above-quoted features in which a camera allows for capturing a first and a second image, where **the first and the second image are related to a first transaction** and first transaction data associated with the transaction and the first image and the second image are associated via an identifier. In the system of Dozier, the video board 104 receives an analog video input signal and upon command from the computer 16 captures a **frame** which comprises a video image, digitizes that image, and provides it as digital data to the computer 16. (Dozier; column 4, lines 41-49). The computer 16 in the system of Dozier only sends one command for one image to be captured after each receipt is printed in the system of Dozier and, thus, each data file in the system of Dozier is only associated with one image file. (Dozier; column 6, lines 30-67; column 9, lines 1-32; FIG. 4). As a consequence, the system of Dozier only captures **one frame** after each bank teller transaction. (Dozier; column 4, lines 41-49).

Therefore, independent claim 24, as amended, is neither disclosed nor suggested by the Dozier reference and, hence, is believed to be allowable. Because they depend from independent claim 24, dependent claims 26-27 are believed to be allowable for at least the same reasons that independent claim 24 is believed to be allowable.

In addition, dependent claim 27 recites an additional feature that, “the input device includes a bar code reader.” In contrast, Dozier does not even mention a bar code reader. Therefore, dependent claim 27 is believed to be allowable for at least that additional reason.

Independent claim 32, as amended, recites a method for creating a transaction based database with features similar to features of a system for collecting and organizing data of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable. Because they depend from independent claim 32, dependent claims 33-34 are believed to be allowable for at least the same reasons that independent claim 32 is believed to be allowable.

Independent claim 35, as amended, recites a method for displaying video images related to transactions with features similar to features of a method of creating a transaction based database of independent claim 12 and, thus, is believed to be allowable for at least the same reasons that independent claim 12 is believed to be allowable. Because they depend from independent claim 35, dependent claims 36-37 are believed to be allowable for at least the same reasons that independent claim 35 is believed to be allowable.

New dependent claims 38-46 recite features not found in the Dozier reference. For example, new dependent claim 38 recites the system of claim 1, "wherein the database management system is configured to discard the first video image if it is determined that the input device did not collect the first transaction data during the first time period." In the interview with the Examiner on February 23, 2006, the Examiner indicated that the "throwing out" of data is not disclosed in the Dozier reference.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

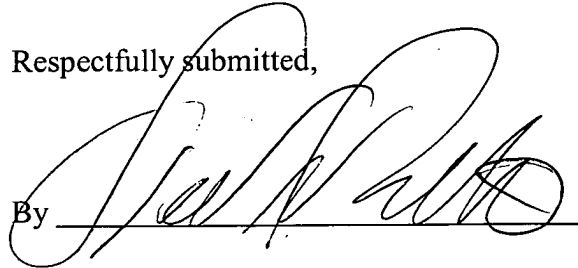
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

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